

Access to seed diversity in Scandinavia

“Nordic Heritage Grain Conference
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Anders Borgen







Bottlenecks for seed diversity

- Flat rate administration cost is favouring large scale markets. Volume based costs favours market diversity.
- Post payment systems (royalty based) is favouring large scale markets. The bigger, the more profitable.
 - No variety protection on OHM and conservation varieties
- Pre-payment (project based) can be targeted desired specific problems, such as organic farming.

Conclusion on funding

- Public or food chain funding is needed to start up organic plant breeding
- In the present situation, an alternative seed system is therefore needed for promoting organic plant breeding

Are alternative seed systems legal in EU?

- EU seed legislation
 - All marketed seed within EU shall be certified (almost all)
- Plant treaty (ITPGRFA)
 - It is mandatory for national authorities to give room for *in situ* conservation
- UNDROP (Human rights over-rules other legislations)
 - Peasant have the right to sell their own seed and maintain their seed systems

Conclusion: Alternative seed systems are not only legal, but actually mandatory in all countries


Article 19

1. Peasants and other people working in rural areas have the right to seeds, in accordance with article 28 of the present Declaration, including:

(a) The right to the protection of traditional knowledge relevant to plant genetic resources for food and agriculture;

(b) The right to equitably participate in sharing the benefits arising from the utilization of plant genetic resources for food and agriculture;

(c) The right to participate in the making of decisions on matters relating to the conservation and sustainable use of plant genetic resources for food and agriculture;

 (d) The right to save, use, exchange and sell their farm-saved seed or propagating material.

2. Peasants and other people working in rural areas have the right to maintain, control, protect and develop their own seeds and traditional knowledge.

3. States shall take measures to respect, protect and fulfil the right to seeds of peasants and other people working in rural areas.

4. States shall ensure that seeds of sufficient quality and quantity are available to peasants at the most suitable time for planting and at an affordable price.

International Treaty on Plant Genetic Resources for Food and Agriculture



Article 9 - Farmers' Rights

- 9.1 The Contracting Parties recognize the enormous contribution that the local and indigenous communities and farmers of all regions of the world, particularly those in the centres of origin and crop diversity, have made and will continue to make for the conservation and development of plant genetic resources which constitute the basis of food and agriculture production throughout the world.
- 9.2 The Contracting Parties agree that the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments. In accordance with their needs and priorities, each Contracting Party should, as appropriate, and subject to its national legislation, take measures to protect and promote Farmers' Rights, including:
- protection of traditional knowledge relevant to plant genetic resources for food and agriculture;
 - the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture; and
 - the right to participate in making decisions, at the national level, on matters related to the conservation and sustainable use of plant genetic resources for food and agriculture.
- 9.3 Nothing in this Article shall be interpreted to limit any rights that farmers have to save, use, exchange and sell farm-saved seed/propagating material, subject to national law and as appropriate.

The scope of the EU seed directives

**Council Directive 2002/55/EC of 13 June 2002
on the marketing of vegetable seed**

Article 2

1. For the purpose of this Directive:
 - (a) "marketing": shall mean the sale, holding with a view to sale, offer for sale and any disposal, supply or **transfer aimed at commercial exploitation** of seed to third parties, whether or not for consideration.

EU seed legislation

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed

Article 3

1. The Member States shall provide that cereal **seed may not be placed on the market unless it has been officially certified** as "basic seed", "certified seed", "certified seed, first generation" or "certified seed, second generation" and unless it satisfies the **conditions laid down in Annex II.**
- 2.

Conclusion:

It is financially impossible for Landsorten or anyone else to meet the certification requirements for niche markets



but the EU seed legislation also says:

Council Directive 66/402/EEC of 14 June 1966 on the marketing of cereal seed

Article 3

1.
2.
3.
4. **Member States may provide for derogations from the provisions of paragraphs 1 and 2:**
 - (a) for bred seed of generations prior to basic seed;
 - **(b) for tests or for scientific purposes;**
 - **(c) for selection work;**
 - (d) for seed as grown, marketed for processing, provided that the identity of the seed is ensured.

Loopholes and new opportunities

- Cheap registration for heritage varieties
- Organic Bred Varieties
- New organic regulation opens for Organic Heterogeneous Material
 - cheap in fees
 - cheap in production (purifying)
- Exemptions for non commercial use, incl. trials and research
 - also farmers and millers can do trials (and they can do very big trials)

Conclusion: It will violate the ITPGRFA treaty,
if membership countries do not utilise some of these the loopholes

Landsorten

- Membership organisation established 2021
- Promoting heritage and organic bred varieties and OHM
- Annual fee (most of which is to be returned to the breeders):
 - 250,-DKK for private non producers
 - 950,-DDK for producers
 - 250,-DDK per hectare + 200,-DDK per ton flour
- 125 members
 - incl. ~70 producers
 - 90% from Denmark
 - 500ha in production

Landsorten's seed marketing strategy

- We only work with IPR free varieties, so no conflict with variety protection
- Initial dissemination of seed for test production
 - Small scale production of VCU free varieties are defined as test production exempted from the seed legislation
- Multiplication based on home saved seed and establishment of closed circles for millers
- Official registration of conservation varieties and Organic Heterogeneous Material for large productions (~500ha in 2023)

Home saving of seed

- Home saving of seed is within EU allowed only for not IPR protected seed
- Home saving of protected varieties is only allowed for certain agricultural crops:
 - cereals
 - a few legumes
 - oil seed rape and flax
 - Vetch, alfalfa
- In respect of peasants rights, farmers growing less than 17,6ha of these crops can save seed without paying licence to the owner

Conclusion: It may be a violation of UNDRIP that small scale farmers are not allowed to save seed of other crops such as grass and clover seed, since there are no alternative unprotected seed on the market of these crops

The Landsorten set up

- As far as possible based on home saved seed.
- Logistic support for home saving of seed.
- No central seed production. All seed is produced by members and sold directly farm to farm.
- Landsorten plans the production
- Bread wheat, malt grain and feed
 - Certified Organic Heterogeneous Material or heritage varieties certified by Landsorten
- Minor crops and varieties are sold as seed for trial production
 - durum wheat, spelt, purple wheat.....



Buurholt
Mobile seed cleaning and
milling



Farmers
Bakers
Millers
Landsorten



KOST
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marketing



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Sigtekornet

Nyhedsbrev fra Landsorten
nr. 10, Januar 2023

Please read:
The Landrace /Sigtekornet no.10
January 2023 at:
<https://www.agrologica.dk/>

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Tekst: Anders Borgen

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Tank you for your attention